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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FILED

Zhenjia Wang ) Case Number: AUG 11 2008 NF  
Pro Se )  
Plaintiffs )  
v. )  
Michael Chertoff )  
Secretary of the Department of Homeland )  
Security )  
Jonathan Scharfen )  
Director of U.S. Citizenship & Immigration )  
Services (USCIS) )  
David Roark )  
Director of U.S. Citizenship & Immigration )  
Services at Texas Service Center )  
Robert S. Mueller, III )  
Director of the Federal Bureau of )  
Investigations. )  
Defendants )  
Judge: Aug 11, 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

08CV4532  
JUDGE BUCKLO  
MAGISTRATE JUDGE MASON

**PLAINTIFFS' ORIGINAL COMPLAINT  
FOR WRIT IN THE NATURE OF  
MANDAMUS AND DECLARATORY JUDGEMENT**

1. Plaintiffs, Zhenjia Wang, Pro Se, bring this action against the defendants about their clearly delayed processing of Adjustment of Status (I-485) application and request the Honorable Court to compel the Defendants to immediately and properly adjudicate Plaintiff's I-485 applications which have been pending for almost 4 years since August 30, 2004.

## **JURISDICTION**

2. The Plaintiff has exhausted his administrative remedies. The Plaintiff has supplied Defendants documents that clearly established his eligibility to adjust to Permanent Resident Status. This action challenges only the Defendants' timeliness in adjudication of AOS petition, not the granting or denial of petition, therefore the jurisdictional limitations of 8 U. S. C § 1252 do not apply.

## **VENUE**

3. Pursuant to 28 U. S. C § 1391 (e) venue is proper in this court, because Defendants operate within this district and Plaintiff resides in this district.

## **PARTIES**

4. Plaintiff Zhenjia Wang, and his wife Plaintiff Qian Ding residing in Chicago, IL , are the beneficiaries of I-485 applications, Application to Register Permanent Resident or Adjust Status. The plaintiff and his wife Qian Ding have filed with the USCIS Vermont Service Center on August 30, 2004 since they lived in 384 Quinby Road, Rochester, NY 14623. He is a native and citizen of China. Currently, Plaintiff is a research assistant professor at University of Illinois at Chicago. Plaintiff's immigrant petition for Alien Worker (I-140) was filed on May 25, 2004 and approved on June 11, 2005. On August 30, 2004, Plaintiff with his wife, Qian Ding filed their applications for Adjustment of Status (AOS) (I-485) to become a permanent resident of the United States with the Vermont Service Center. On March 7, 2007, their applications were transferred to the Texas Service Center. Our applications have been pending for almost 4 years from now. Dr. Zhenjia Wang, Plaintiff, appears before this honorable court on his own behalf as an individual, and on behalf of his derivative

beneficiaries—his wife, Qian Ding.

5. Defendants are branches, agencies or employees of the U.S. federal government who alone or collectively have the ministerial duty and power to complete the I-485 applications.
6. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security (DHS), and this action is brought against him in his official capacity. He is generally charged with enforcement of the INA, and is further authorized to delegate such powers and authority to subordinate employees of the DHS. 8 USC §1103(a); 8 C.F.R §2.1.
7. Defendant Jonathan Scharfen is the Director of the USCIS, an agency within the DHS to whom the Secretary's authority has in part been delegated and is subject to the Secretary's supervision. Mr. Scharfen is charged with, among other matters, administrating the USCIS by implementing and enforcing the Immigration and Nationality Act. As such, he is ultimate decision-making authority over the matters alleged in this Complaint. 8 C.F.R §103.1(g)(2)(ii)(B).
8. Defendant David Roark, the Director of the USCIS at Texas Service Center. In his capacity, he is responsible for the administrating of immigration benefits and services including the processing of employment-based immigration petitions. As such, he has decision-making authority over the matters alleged in this Complaint. 8 C.F.R §103.1(g)(2)(ii)(B).
9. Defendant Robert S. Mueller, III is the Director of the Federal Bureau of investigations (FBI), the law enforcement agency that conducts security clearances for other U.S. government agencies, such as USCIS. As will be shown, Defendant has failed to complete the security clearances on Plaintiffs' cases.

## STATEMENT OF FACTS

10. Plaintiff Dr. Zhenjia Wang and his wife submitted AOS applications (I-485) to become permanent residents of the United States with Vermont Service Center of USCIS on August 30, 2004. USCIS acknowledgement documents are attached hereto as Exhibits A and B.
11. Plaintiff's cases were transferred to Texas Service Center of USCIS on March 7, 2007 in order to speed up processing. The USCIS acknowledgement documents are attached hereto as Exhibits C and D.
12. Plaintiff is eligible to receive an immigrant visa and is admissible to the United States for permanent residence.
13. Plaintiff's employment-based AOS application was based on the approved (June 11, 2005) immigrant petition for alien worker (I-140). Approval notice is provided in Exhibit E.
14. Federal Bureau of Investigation's (FBI) Name Check Program database received name check request from the USCIS for Plaintiff.
15. An immigrant visa is immediately available to the Plaintiff at the time of filing this Complaint. Please see July 2008 visa bulletin published by Department of State. The priority date for Plaintiff's category (Mainland China born, employment-based second priority) is June 2006, while the Plaintiff's priority date (I-140) is May 23, 2004, which is two years earlier than the priority date currently published by the Department of State. (as Exhibit F)
16. Following the submission of AOS application, Plaintiff was requested to provide and actually provided fingerprint for security check on April 1, 2005 (1<sup>st</sup> fingerprint) and

October 10, 2006).

17. Texas Service Center is currently processing employment-based AOS applications filed on July 16, 2007, while Plaintiff submitted his application on August 30, 2004, almost 3 years earlier than current published processing time.
18. Plaintiff made phone inquiries to USCIS Texas Service Center (1-800-375-5283) on 06/15/2007, 02/19/2008, 6/14/2008 and 08/04/2008. Each time the responsive letter or answer saying "we have to perform additional review on this case and this has caused a longer processing time" (Exhibit G). Every response is not clear to what actual action is to process my case.
19. On 08/05/2007, Plaintiff contacted Congressman Danny K. Davis' office in Chicago (773-533-7520) regarding the delay in the adjudication of the plaintiff petition, and his staff made the calls to USCIS several times for my petitions.
20. The Plaintiff has always complied with immigration and civil laws, has never been arrested or convicted of a crime and has never presented a security risk to the United States. The Plaintiff has been lawfully present in the United States for almost 7 years since 2001.
21. As of August, 5<sup>th</sup>, 2008, almost 4 years after submitting I-485 application to USCIS, no resolution on the plaintiff's application has been reached so the plaintiff is filling this Compliment with Northern District of Illinois.
22. Section 202 (8 U.S.C § 1571) of the Title II of the American Competitiveness in Twenty-first Century Act of 2000 (AC21) clearly lays down the parameters of reasonableness in immigration adjudication, stating: "...It is the sense of Congress that the processing of an immigration benefit application should be completed not

later than 180 days after the initial filing of the application."

23. Defendants are also required by 5 U. S. C § 551 "within a reasonable time... to conclude a matter presented...".
24. Other District Courts have concluded in similar cases that petitioners have a clear right to have his or her application for lawful permanent residency status adjudicated within a reasonable period of time. (Yu. V. Brown, 36F. Supp. 2d 922, 925 (D. N. M. 1999); Agbemapple v. INS, No. 97 C 8457, 1988 WL 292441 (N. D. Ill. May 18, 1988). For instance, in Yu, where petitioner sought a writ of mandamus to force INS to act on her application for lawful permanent residence two and one half years after she applied, the court concluded that Yu's petition properly stated a claim for mandamus. Also in Elkhattib v Bulger, No. 04-22407-CIV-SEITZ/MCaliley (S. D. F. 2004) court found that Respondents have a nondiscretionary duty to process Petitioner's application within a reasonable period of time.

### **INJURY TO PLAINTIFF**

25. The Plaintiff's AOS application (I-485) to become permanent resident of the United States is pending before USCIS for over 1400 days.
26. The Plaintiff's FBI name check process has been pending for 1400 days.
27. Plaintiff's waiting and will continue to wait for a significant amount of time for a decision on his AOS applications. His status in the United States has been and will continue to be uncertain. Plaintiff could not plan ahead because he has not known and does know when he and his family will become a permanent resident.
28. Plaintiff has lost a significant work time while pursuing his adjustment of status application, making inquiries with USCIS, applying for the authorization documents,

reporting for fingerprinting and otherwise, pursuing his delayed permanent residency.

29. Plaintiff rights to due process of law and equal protection under the Fifth Amendment to the United States Constitution have been and are being violated and will continue to be violated by Defendant's failures as described herein.

### **GROUNDS FOR RELIEF**

30. Defendants, despite having a duty to act within reasonable time, have failed to process and adjudicate Plaintiff's application for permanent residency in a timely manner.

31. Defendant's duty to process and adjudicate Plaintiff's application "within a reasonable time" is a non-discretionary duty mandated by federal and judicial precedent.

32. Defendant's conduct in failing to process Plaintiff's application and adjudicate his case in a reasonable timely manner has caused unnecessary and injurious delays to Plaintiff, in violation of his rights.

33. Plaintiff has exhausted all administrative remedies available and has determined that no adequate remedy exists.

#### **Count I.**

##### **Mandamus Action, 28 U. S. C. § 1651**

34. Plaintiff incorporates all allegations made hereinabove that are pertinent to this Court.

35. Defendants are charged with the mandatory responsibility of administering and implementing the Immigration and Nationality Act.

36. Defendants bear sole responsibility for timely adjudication of AOS application and

for orderly attendant procedures.

37. Defendants have failed to discharge their mandated duties.

38. As a result, Plaintiff has suffered and continues to suffer irreparable harm and damages entitling him to declaratory, injunctive and other relief.

39. Plaintiff has exhausted all possible administrative remedies and there exists no other adequate remedy.

## **Count II**

### **Administrative Procedures Act**

#### **5. U. S. C. § 555 and 5 U. S. C. § 702 et seq**

40. Plaintiff incorporates all allegations made hereinabove that are pertinent to this Court.

41. By failing to render timely decision on Plaintiff's application, Defendants have violated the Administrative Procedures Act and this constitutes agency action that is arbitrary and capricious, and not in accordance with law 5. U. S. C. § 701 et seq., 702, 706 (agency action unlawfully withheld or unreasonably delayed" under § 706 (1) and 5 U. S. C § 555.

42. Defendants have failed to discharge their mandated official duties.

43. As a result, Plaintiff has suffered and continues to suffer irreparable harm and damages entitling him to declaratory, injunctive and other relief.

## **Count III**

### **Declaratory Judgment Act**

#### **28 U. S. C § 2201**

44. Plaintiff incorporates all allegation made hereinabove that are pertinent to this Court.

45. Plaintiff contend that Defendants' actions and decisions relating to delays in AOS

adjudication and attendant procedures are unconstitutional, violate the INA, and are arbitrary and capricious and seek a declaration to that effect under 28 U. S. C . § 2201.

46. Defendants have failed to discharge their mandated official duties.

47. As a result, Plaintiff has suffered and continues to suffer irreparable harm and damages entitling him to declaratory, injunctive and other relief.

**Count IV**

**Equal Access to Justice Act**

**5 U. S. C. § 504 and 28 U. S. C. § 2412**

48. Costs and attorney fees will be sought pursuant to the Equal Access to Justice Act, 5 U. S. C. § 504 and 28 U. S. C. § 2412.

**PRAYRER FOR RELIEF**

Wherefore, Plaintiff respectfully prays that the honorable Court grant the following relief:

- 1) Assume jurisdiction over this cause;
- 2) Declare that the Defendants' failure to act is illegal, arbitrary, capricious and abuse of discretion.
- 3) Compel Defendants and those acting under them to expedite and complete Plaintiff's security check process.
- 4) Compel Defendants and those acting under them to perform their duty to immediately and properly act upon the Plaintiff's application to adjust to permanent residency.
- 5) Award Plaintiff reasonable attorney's fees and cost of Court pursuant to the Equal

Access to Justice Act.

6) Grant such other and further relief as this Court deems just and appropriate.

Dated: August 11, 2008

Respectfully Submitted

 08/11/2008  
Dr. Zhenjia Wang

Plaintiff, Pro Se.

944 W 15<sup>th</sup> Place, unit 2B

Chicago, IL 60608

Tel: 312-636-9939 (cell)

312-666-5718 (Home)

Email: [zhenjia2005@gmail.com](mailto:zhenjia2005@gmail.com)

**EXHIBITS:**

Exhibit A: USCIS adjustment of Status (I-485) receipt notice for Plaintiff, Mr. Zhenjia Wang

Exhibit B: USCIS adjustment of Status (I-485) receipt notice for Plaintiff, Mrs. Qian Ding

Exhibit C: USCIS Transfer Notice of I-485 to Texas Service Center for Mr. Zhenjia Wang

Exhibit D: USCIS Transfer Notice of I-485 to Texas Service Center for Mrs. Qian Ding

Exhibit E: USCIS Approval Notice of I-140 for Mr. Zhenjia Wang

Exhibit F: USCIS visa available time for people born in mainland China (Posted on July 14, 2008)

Exhibit G: Letter from USCIS in response to Plaintiff's inquiry regarding the pending I-485 status.

Exhibit A

Department of Homeland Security  
U.S. Citizenship and Immigration Services

I-797C Notice of Action

## THE U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS) FEE CHART

RECEIVED DATE		CASE NUMBER		ADJUSTMENT/ADMISSION/PERMITS	
RECEIVED DATE	FILE NUMBER	ADJUSTMENT/ADMISSION/PERMITS	FILE NUMBER	RECEIVED DATE	PERMITS
APRIL 10, 2004	142-532	ADJUSTMENT TO PERMANENT RESIDENT STATUS	142-532	APRIL 10, 2004	PERMANENT RESIDENT
NOTIFICATION DATE		NOTIFICATION DATE		NOTIFICATION DATE	
September 13, 2004		September 13, 2004		September 13, 2004	
NAME OF ATTORNEY OR LAW FIRM		NAME OF ATTORNEY OR LAW FIRM		NAME OF ATTORNEY OR LAW FIRM	
ZHANG & ASSOCIATES PC		ZHANG & ASSOCIATES PC		ZHANG & ASSOCIATES PC	
7224 FM 1968 SUITE 1068		7224 FM 1968 SUITE 1068		7224 FM 1968 SUITE 1068	
HOUSTON TX 77064		HOUSTON TX 77064		HOUSTON TX 77064	
REASON FOR NOTICE		REASON FOR NOTICE		REASON FOR NOTICE	
Receipt notice - If any of the above information is incorrect, call customer service immediately.		Receipt notice - If any of the above information is incorrect, call customer service immediately.		Receipt notice - If any of the above information is incorrect, call customer service immediately.	
Processing notice - If your case is pending, this notice will be sent to you every 60 days.		Processing notice - If your case is pending, this notice will be sent to you every 60 days.		Processing notice - If your case is pending, this notice will be sent to you every 60 days.	
If you move while this case is pending, call customer service to update your address.		If you move while this case is pending, call customer service to update your address.		If you move while this case is pending, call customer service to update your address.	
Processing time can change if you don't get a response from us within 60 days.		Processing time can change if you don't get a response from us within 60 days.		Processing time can change if you don't get a response from us within 60 days.	
If you have questions, check our website at <a href="http://www.uscis.dhs.gov">www.uscis.dhs.gov</a> for a <b>Customer Notice</b> .		If you have questions, check our website at <a href="http://www.uscis.dhs.gov">www.uscis.dhs.gov</a> for a <b>Customer Notice</b> .		If you have questions, check our website at <a href="http://www.uscis.dhs.gov">www.uscis.dhs.gov</a> for a <b>Customer Notice</b> .	
Notes to all customers with pending I-130 petitions: I-130 is now processing from the date of filing for A-101 backlog.		Notes to all customers with pending I-130 petitions: I-130 is now processing from the date of filing for A-101 backlog.		Notes to all customers with pending I-130 petitions: I-130 is now processing from the date of filing for A-101 backlog.	
If you have a pending I-130 petition, you must wait until there is a visa number available before they may apply for an immigrant visa or adjustment of status. This process will allow USCIS to coordinate cases based on visa dates which are actually available. This process should not delay the ability of USCIS to file a relative to apply for an immigrant visa or adjustment of status. Refer to <a href="http://www.state.gov/j/acs">www.state.gov/j/acs</a> or <a href="http://www.uscis.dhs.gov">www.uscis.dhs.gov</a> for more information. Please visit you local USCIS office for more information.		If you have a pending I-130 petition, you must wait until there is a visa number available before they may apply for an immigrant visa or adjustment of status. This process will allow USCIS to coordinate cases based on visa dates which are actually available. This process should not delay the ability of USCIS to file a relative to apply for an immigrant visa or adjustment of status. Refer to <a href="http://www.state.gov/j/acs">www.state.gov/j/acs</a> or <a href="http://www.uscis.dhs.gov">www.uscis.dhs.gov</a> for more information. Please visit you local USCIS office for more information.		If you have a pending I-130 petition, you must wait until there is a visa number available before they may apply for an immigrant visa or adjustment of status. This process will allow USCIS to coordinate cases based on visa dates which are actually available. This process should not delay the ability of USCIS to file a relative to apply for an immigrant visa or adjustment of status. Refer to <a href="http://www.state.gov/j/acs">www.state.gov/j/acs</a> or <a href="http://www.uscis.dhs.gov">www.uscis.dhs.gov</a> for more information. Please visit you local USCIS office for more information.	
Always remember to call customer service if you move while your case is pending. If you have a pending I-130 relative petition, also call customer service if you should decide to withdraw your petition or if you become a U.S. citizen.		Always remember to call customer service if you move while your case is pending. If you have a pending I-130 relative petition, also call customer service if you should decide to withdraw your petition or if you become a U.S. citizen.		Always remember to call customer service if you move while your case is pending. If you have a pending I-130 relative petition, also call customer service if you should decide to withdraw your petition or if you become a U.S. citizen.	
Please see the additional information on the back. You will be notified separately about any other cases you filed.		Please see the additional information on the back. You will be notified separately about any other cases you filed.		Please see the additional information on the back. You will be notified separately about any other cases you filed.	
IMMIGRATION & NATURALIZATION SERVICE VERMONT SERVICE CENTER 75 LOWER WELDEN STREET SAINT ALBANS VT 05479-0001 Customer Service Telephone: (800) 375-5283					



Exhibit B

U.S. DEPARTMENT OF HOMELAND SECURITY U.S. Citizenship and Immigration Services		I-797C, Notice of Action	
<b>ATTENTION: IMMIGRATION &amp; NATURALIZATION SERVICE (I-797C)</b>			
<b>Case Number:</b> I-797C-1485 <b>File Date:</b> FEB-01-2004-558615		<b>CASE TYPE:</b> I-485 - APPLICATION TO ADJUST TO PERMANENT <b>RESIDENT STATUS:</b>	
<b>Request Date:</b> AUGUST 10, 2004 <b>Request Type:</b> I-485 - Application to Adjust Status <b>Request Date:</b> SEPTEMBER 13, 2004, of 1		<b>Amount:</b> I-485-932 <b>Requester:</b> DING, QIAN	
<b>Attorney:</b> JANE XU ATTORNEY AT LAW <b>Office:</b> ZHANG L ASSOCIATES PC <b>Address:</b> 7324 SW FREEWAY SUITE 1088 <b>City:</b> HOUSTON <b>State:</b> TX <b>Zip:</b> 77074		<b>Notice Type:</b> Receipt Notice <b>Amount Received:</b> \$ 1285.00	
<b>Important Notice:</b> If any of the above information is incorrect, call customer service immediately.			
<b>Processing Time:</b> Processing times vary by kind of case. You can check our current processing time for this kind of case on our website at <a href="http://uscis.gov">USCIS.GOV</a> . On our website you can also sign up to get free e-mail updates as we complete key processing steps on this case. Most of the time your case is pending, the processing status will not change because we will be working on other cases filed earlier. We will notify you by mail when we make a decision on this case, or if we need something from you. If you move while this case is pending, call customer service when you move. <b>Processing time:</b> Check our website or call for an update. <b>If you have questions:</b> Check our website or call customer service. Please save this notice, and have it with you if you contact us about this case.			
<b>Notice to all customers with a pending I-130 petition:</b> USCIS is not processing Form I-130, Petition for Alien Relative, unless a visa number becomes available. Filing and approval of an I-130 relative petition is only the first step in helping a relative immigrate to the United States. Eligible family members must wait until there is a visa number available before they can apply for an immigrant visa or adjustment of status to become a lawful permanent resident. This process will allow USCIS to concentrate resources first on cases where visas are actually available. This process should not delay the ability of one's relative to apply for an immigrant visa or adjustment of status. Refer to <a href="http://www.uscis.gov/travel">www.uscis.gov/travel</a> ( <a href="http://www.state.gov/travel">http://www.state.gov/travel</a> ) to determine current visa availability dates. For more information, please visit our website at <a href="http://www.uscis.gov">www.uscis.gov</a> or contact us at 1-800-775-5222.			
<b>Always remember to call customer service if you have any questions or if you have a pending I-130 relative petition, and call customer service if you should decide to withdraw your petition or if you become a U.S. citizen.</b>			
<b>Please see the additional information on the back. You will be notified separately about any other cases you filed.</b>			
<b>IMMIGRATION &amp; NATURALIZATION SERVICE</b> <b>VERMONT SERVICE CENTER</b> <b>15 LOWER WELDEN STREET</b> <b>SAINT ALBANS VT 05479-0001</b> <b>Customer Service Telephone: (800) 375-5283</b>			

RECEIPT NUMBER EAC-04-254-53599		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIPT DATE September 13, 2004	PRIORITY DATE	APPLICANT A097 142 592 WANG, ZHENJIA
NOTICE DATE March 7, 2007	PAGE 1 of 1	
ZHENJIA WANG 384 QUINBY ROAD ROCHESTER NY 14623		Notice Type: Transfer Notice

This is to advise you that in order to speed up processing we have transferred the above case to the following USCIS office for processing:

Texas Service Center, P. O. Box 951488 - Dept. A, Mesquite, TX 75185-1488

That office will notify you of the decision made on the application or petition.

Please read the following information before attempting to contact the National Customer Service Center for an update:

Please refer to the USCIS processing dates webpage, via the USCIS home webpage <http://www.uscis.gov/graphics/index.htm>, to locate the processing dates for the specific service center that your case was transferred to. If the service center is within processing time for your particular application or petition, USCIS cannot provide an update on your case. If the service center is outside of processing time for your particular application or petition, please call Customer Service at 1-800-375-5283 to request an update.

Please read the following information if you submitted a Premium Processing application or petition:

Please contact the Premium Processing phone number at 1-866-315-5718 for inquiries. The 15-day Premium Processing clock does not start until the correct office receives the application or petition.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE

VERMONT SERVICE CENTER

75 LOWER WELDEN STREET

SAINT ALBANS VT 05479-0001

Customer Service Telephone: (800) 375-5283



RECEIPT NUMBER EAC-04-254-53615		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIPT DATE September 13, 2004	PRIORITY DATE	APPLICANT A098 484 913 DING, QIAN
NOTICE DATE March 7, 2007	PAGE 1 of 1	
QIAN DING QUINBY ROAD 384 ROCHESTER NY 14623		Notice Type: Transfer Notice

This is to advise you that in order to speed up processing we have transferred the above case to the following USCIS office for processing:

Texas Service Center, P. O. Box 851488 - Dept. A, Mesquite, TX 75185-1488

That office will notify you of the decision made on the application or petition.

Please read the following information before attempting to contact the National Customer Service Center for an update:

Please refer to the USCIS processing dates webpage, via the USCIS home webpage <http://www.uscis.gov/graphics/index.htm>, to locate the processing dates for the specific service center that your case was transferred to. If the service center is within processing time for your particular application or petition, USCIS cannot provide an update on your case. If the service center is outside of processing time for your particular application or petition, please call Customer Service at 1-800-375-5283 to request an update.

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IMMIGRATION & NATURALIZATION SERVICE

VERMONT SERVICE CENTER

75 LOWER WELDEN STREET

SAINT ALBANS VT 05479-0001

Customer Service Telephone: (800) 375-5283



RECEIPT NUMBER EAE-04-176-50812	CASE TYPE I140	
RECEIPT DATE May 25, 2004	PRIORITY DATE May 23, 2004	PETITIONER WANG, ZHENJIA
NOTICE DATE June 11, 2005	PAGE 1 of 1	PERMIT NUMBER A97 142 592 WANG, ZHENJIA
JANE XU ATTORNEY AT LAW ZHANG & ASSOCIATES PC 7324 SOUTHWEST FREEWAY STE 1088 HOUSTON TX 77074		Notice Type: Approval Notice Section: Indiv w/Adv Deg or Exceptional Ability in the National Interest

The above petition has been approved. The person this petition is for will be notified separately when a decision is reached on his or her pending Adjustment of Status application.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE

VERMONT SERVICE CENTER

75 LOWER WELDEN STREET

SAINT ALBANS VT 05479-0001

Customer Service Telephone: (800) 375-5283



## Exhibit F

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202 (e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is earlier than the cut-off date listed below.)

Family	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	15MAR02	15MAR02	15MAR02	08AUG92	22MAR93
2A	01OCT03	01OCT03	01OCT03	U	01OCT03
2B	01NOV99	01NOV99	01NOV99	15APR92	15MAR97
3rd	08JUN00	08JUN00	08JUN00	08SEP92	01APR91
4th	08SEP97	22FEB97	22FEB97	08JAN95	08MAR86

\*NOTE: For August, 2A numbers EXEMPT from per-country limit will be unavailable because the annual limit for such visas will have been reached. This will only impact the processing of Mexico F2A applicants.

	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
Employment-Based					
1st	C	C	C	C	C
2nd	C	01JUN06	01JUN06	C	C
3rd	U	U	U	U	U
Other Workers	U	U	U	U	U
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C

## Exhibit G

**U.S. Department of Homeland Security**  
 Texas Service Center  
 P.O. Box 851488  
 Mesquite, TX 75185-1488



**U.S. Citizenship  
 and Immigration  
 Services**

Monday, March 10, 2008

ZHENJIA WANG  
 384 QUINBY RD, APT 384  
 ROCHESTER NY 14623

Dear ZHENJIA WANG:

On 02/19/2008 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

<b>Caller indicated they are:</b>	Applicant or Petitioner
<b>Attorney Name:</b>	Information not available
<b>Case type:</b>	I485
<b>Filing date:</b>	09/13/2004
<b>Receipt #:</b>	EAC-04-254-53599
<b>Beneficiary (if you filed for someone else):</b>	Information not available
<b>Your USCIS Account Number (A-number):</b>	A097142592
<b>Type of service requested:</b>	Outside Normal Processing Times

The status of this service request is:

Based on your request we researched the status of this case. We are actively processing this case. However, we have to perform additional review on this case and this has caused a longer processing time. If you do not receive a decision or other notice of action from us within 60 days of this letter, please call customer service at the number provided below.

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If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services